

347—300.12(17A) Final decision, rehearing, administrative appeal, and judicial review.

300.12(1) *Proposed and final decision—intra-agency appeals.* When the administrative law judge is the commissioner, the decision is the final decision of the division. When the administrative law judge conducts the hearing, the judge issues a proposed decision.

A proposed decision of an administrative law judge automatically becomes the final decision of the division unless a party appeals to the commissioner to review the proposed decision within 20 days of the issuance of the proposed decision.

On appeal the commissioner has all the authority of the administrative law judge and may uphold the proposed decision or reverse it in whole or in part or remand the case to the administrative law judge.

An intra-agency review is limited to the evidence and issues presented at the contested case hearing. The commissioner may remand the case to the administrative law judge when compelling reasons justify the taking of new evidence or the consideration of new issues.

300.12(2) *Request for rehearing.* Any party may file an application for rehearing, stating the specific grounds and the relief sought, within 20 days after the issuance of any final decision by the division in a contested case. A copy of the application shall be timely mailed by the applicant to all parties of record not joining in the application. An application for rehearing shall be deemed to have been denied unless the division grants the application within 20 days after its filing. A request for a rehearing need not be made as a prerequisite for seeking judicial review of a final decision.

300.12(3) *Employment appeal board review.* Where specified in Iowa Code section 88.8, a party who is aggrieved or adversely affected by the final decision of the division may seek administrative review of that decision by the employment appeal board as provided in Iowa Code section 88.8.

300.12(4) *Department of inspections and appeals review.* Where specified in Iowa Code section 89A.10(2), a party who is aggrieved or adversely affected by the final decision of the division may seek administrative review of that decision by the department of inspections and appeals as provided in Iowa Code section 89A.10(2).

300.12(5) *Judicial review.* A party who is aggrieved or adversely affected by the final decision of the division may seek judicial review of that decision as provided in Iowa Code section 17A.19.